

## **REMARKS/ARGUMENTS**

Applicant requests reconsideration of the pending rejection in light of the preceding amendments. Applicant has now inserted into claim 1 the limitations that there is a common reference electrode for said plurality of working electrodes. Thus, two or more working electrodes would be served by the common reference electrode. Claim 11 has been amended to state in the body of the claim, separate from the preamble, that the electrochemical assay device is adapted to simultaneously test multiple different analytes. As this is no longer in the preamble it should be given weight. Claim 12, dependent upon claim 11, indicates that there is a common reference electrode for a plurality of working electrodes.

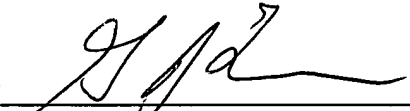
As indicated in the previous response, both the Henkens et al. US 6,391,558) and Cozzette et al. (US 5,063,081) references disclose and require separate reference electrodes for each working electrode. Neither of these are primarily designed to test multiple analytes simultaneously. The Henkens et al. reference discloses bonding the target directly to the electrodes. Therefore, the analyte binding area is on the electrode as opposed to adjacent the electrode. Further, the Henkens et al. reference actually discloses a separate well for each different electrode. Thus, with respect to claim 11, these are not designed to hold a common solution of substrates and thus not designed to simultaneously test multiple analytes in a common solution. The Cozzette reference simply discloses a method of forming individual assay devices on a silicon chip. Although a plurality of assay devices are formed simultaneously, these are cut into individual devices for use. Thus, with respect to claim 11, they do not and never will have a common solution coating the

multiple electrodes. There is no disclosure of Cozzette et al. of this and it would be contrary to the teaching of Cozzette. Further, applicant maintains that Cozzette et al. does not disclose a device which can test multiple analytes simultaneously. With respect to claim 12, it does not have a common reference electrode for a plurality of working electrodes.

In light of the above, applicant maintains that the pending claims are patentably distinct relative to the references cited. Accordingly, applicant requests allowance of the pending claims.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

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Gregory J. Lunn, Reg. No. 29,945

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241-2324 - Telephone  
(513) 421-7269 - Facsimile